

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

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|-----------------------------|---|-----------------------------------|
| JOY TECHNOLOGIES, INC. and |) | Civil Action No. 2:05-cv-1066-GLL |
| JOY MM DELAWARE, INC. |) | |
| |) | |
| Plaintiffs, |) | |
| |) | |
| vs. |) | |
| |) | |
| NORTH AMERICAN REBUILD CO., |) | |
| INC. |) | |
| |) | |
| Defendant. |) | |

MOTION TO ENFORCE SETTLEMENT

AND NOW COMES the Defendant, North American Rebuild Co., Inc. (hereinafter "NARCO"), by and through its attorneys, Dickie, McCamey & Chilcote, P.C. and files the following Motion to Enforce Settlement. NARCO seeks to enforce a settlement agreement which was entered into between the parties. As more fully set forth in the Brief in Support incorporated herein by reference, the parties have manifested an intention to be bound by its terms; the terms are sufficiently definite to be specifically enforced; and consideration exists on both sides. Accordingly, the settlement agreement is enforceable.

WHEREFORE, Defendant North American Rebuild Co., Inc. hereby respectfully requests that this Honorable Court enter an Order granting this Motion to Enforce the settlement agreement entered into between the parties.

Respectfully submitted,

DICKIE, McCAMEY & CHILCOTE, P.C.

By /s/ Frederick W. Bode, III

Frederick W. Bode, III, Esquire

Darren E. Wolf, Esquire

Kristen Hock Prex, Esquire

Attorneys for Defendant

North American Rebuild Co., Inc.

Two PPG Place, Suite 400

Pittsburgh, PA 15222

(412) 281-7272

CERTIFICATE OF SERVICE

I hereby certify that true and correct copies of the MOTION TO ENFORCE SETTLEMENT on behalf of Defendant, North American Rebuild Co., Inc., have been served this 1st day of August, 2006, by electronic mail, to the following counsel of record:

Joseph J. Bosick, Esquire
Pietragallo, Bosick & Gordon, LLP
The Thirty-Eighth Floor
One Oxford Centre
Pittsburgh, PA 15219

DICKIE, McCAMEY & CHILCOTE, P.C.

By /s/ Frederick W. Bode, III
Frederick W. Bode, III, Esquire
Darren E. Wolf, Esquire
Kristen Hock Prex, Esquire
Attorneys for Defendant
North American Rebuild Co., Inc.